

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Derrick Talerico (SBN 223763) David B. Zolkin (SBN 155410) WEINTRAUB ZOLKIN TALERICO & SELTH LLP 11766 Wilshire Blvd., Suite 730 Los Angeles, CA 90025 Telephone: 424-500-8552 Email: dtalerico@wztslaw.com dzolkin@wztslaw.com</p> <p>Zev Shechtman (SBN 266280) Carol L. Chow (SBN 169299) Turner N. Falk (Admitted <i>pro hac vice</i>) SAUL EWING LLP 1888 Century Park East, Suite 1500 Los Angeles, CA 90067 Telephone: 310-255-6100 Email: zev.shechtman@saul.com carol.chow@saul.com turner.falk@saul.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Corporate Debtors (Weintraub Zolkin Talerico & Selth LLP) Individual Debtors (Saul Ewing LLP)</p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>	
<p>In re:</p> <p>SEATON INVESTMENTS, LLC,</p> <p style="text-align: right;">Debtor.</p> <hr/> <p><input type="checkbox"/> Affects all Debtors. <input checked="" type="checkbox"/> Affects Seaton Investments, LLC <input checked="" type="checkbox"/> Affects Colyton Investments, LLC <input type="checkbox"/> Affects Broadway Avenue Investments, LLC <input checked="" type="checkbox"/> Affects SLA Investments, LLC <input checked="" type="checkbox"/> Affects Negev Investments, LLC <input checked="" type="checkbox"/> Affects Susan Halevy <input type="checkbox"/> Affects Daniel Halevy <input checked="" type="checkbox"/> Affects Alan Gomperts</p> <p style="text-align: right;">Debtors(s)</p>	<p>CASE NO.: 2:24-bk-12079-VZ</p> <p>Jointly Administered with Case Nos. 2:24-bk-12080-VZ 2:24-bk-12081-VZ 2:24-bk-12082-VZ 2:24-bk-12091-VZ 2:24-bk-12076-VZ 2:24-bk-12075-VZ 2:24-bk-12074-VZ</p> <p>CHAPTER: 11</p>
<p>APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</p>	

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:

a. *Title of motion*: Motion by Affected Debtors for Entry of an Order Authorizing Use of Cash Collateral Pursuant to 11 U.S.C. § 363(c)(2)

b. *Date of filing of motion*: June 7, 2024

2. Compliance with LBR 9075-1(b)(2)(A): **(The following three sections must be completed)**:

a. Briefly specify the relief requested in the motion:

The Debtors seek authority to use cash collateral generated from post-petition rents from commercial and single-family home leases, establishing adequate protection pursuant to equity cushion, maintenance and protection of property value, or replacement liens, as the case may be.

b. Identify the parties affected by the relief requested in the motion:

KDM California LLC; Archway Capital; Harvest Small Business Finance; Wells Fargo Home Mortgage; First Foundation Bank; Chase Bank

c. State the reasons necessitating a hearing on shortened time:

The Debtors' properties incur monthly expenses that must be paid in order to maintain the condition of the collateral, prevent the Debtors from breaching lease obligations, maintain insurance, pay taxes, and to pay for living expenses of the individual Debtors.

3. Compliance with LBR 9071-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.

4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory F 9075-1.1.ORDER.SHORT.NOTICE.

Date: June 7, 2024

WEINTRAUB ZOLKIN TALERICO & SELTH LLP

/s/ Derrick Talerico

Derrick Talerico
Attorneys for Debtors Seaton Investments, LLC,
Colyton Investments, LLC, Broadway Avenue
Investments, LLC, SLA Investments, LLC, and
Negev Investments, LLC

-and-

SAUL EWING LLP
Zev Shechtman
Carol Chow
Turner N. Falk
Attorneys to Debtors Alan Gomperts,
Daniel Halevy, and Susan Halevy

DECLARATION OF ALAN D. GOMPERTS

I, Alan D. Gomperts, hereby declare as follows:

1. I am the managing member of Seaton Investments, LLC. I am a manager of Broadway Avenue Investments, LLC and SLA Investments, LLC. I am an authorized representative of Colyton Investments, LLC, Negev Investments, LLC

2. I make this declaration in support of the *Application for Order Setting Hearing on Shortened Notice* (the "Application"), to which this declaration is attached. All capitalized terms not specifically defined herein shall have the meanings ascribed to them in the Motion.

3. I have been intimately involved in the business investment and ventures with my brother-in-law Daniel Halevy, mother-in-law Susan Halevy, and now deceased father-in-law David Halevy for decades, including all of the corporate Debtors implicated by this Motion. As such, I am familiar with the management, operations, finances, and books and records of the corporate Debtors specifically and generally as to Susan Halevy and Daniel Halevy.

4. Seaton and Colyton, SLA, Negev, S. Palm, and Roxbury are operated as commercial properties. Seaton and Colyton, SLA, and Negev lease to commercial tenants. S. Palm and Roxbury operate multi-tenant apartment buildings. Canfield, Bagley, Greenfield lease to single-family tenants. In all cases, the debtors operate businesses that rely upon the ongoing revenue generated from tenants to maintain the value of the real property and that will provide cash flow to fund plan payments for all creditors including general unsecured creditors.

5. The Debtors require immediate use of cash collateral in order to fund their operations and thereby avoid irreparable harm to their ability to reorganize. The use of cash collateral set forth in the budgets and cash flows attached to the Motion is necessary to maintain the value of the real property for which the cash collateral would be used. Absent the proposed use of cash collateral for these properties, their value will instantly decline in significant amounts that far exceed the proposed use of cash collateral.

6. The Debtors own many properties directly, through trusts, through wholly-owned and partially-owned entities, and also with non-debtor parties, and it has taken some time to correctly decide what relief each property requires from this Court for their continued operations,

1 maintenance, and protection of value, including efforts to agree on the use of rental revenue with
2 certain of the various secured creditors.

3 7. Although emergency relief on less than two-days' notice is not required, the Debtors
4 cannot wait until the Court's next available self-scheduling hearing date on July 16, 2024 to have
5 the Court hear the Motion. The Debtors' will need use of cash collateral in the coming two weeks
6 to ensure expenses are timely paid and the value of the affected properties is protected.

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9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11 Executed on this 7th day of June, 2024, at Los Angeles, California.

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15 ALAN D. GOMPERTS
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WEINTRAUB ZOLKIN TALERICO & SELTH LLP
11766 WILSHIRE BLVD., SUITE 730
LOS ANGELES, CA 90025

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
11766 Wilshire Blvd, Suite 730, Los Angeles, CA 90025

A true and correct copy of the foregoing document entitled (*specify*): **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(B)]; DECLARATION OF ALAN GOMPERTS IN SUPPORT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) June 7, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See attached NEF Service List

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

See attached US Mail Service List

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) June 7, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Vincent Zurzolo (via personal delivery)
United States Bankruptcy Court
255 E Temple St Suite 1360
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 7, 2024
Date

Martha E. Araki
Printed Name

/s/ Martha E. Araki
Signature

Seaton Investments, LLC – Jointly Administered

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Attorneys for Corporate Debtors Seaton Investment, LLC, Colyton Investments, LLC, Broadway Avenue Investments, LLC, Negev Investments, LLC, SLA Investments, LCC.: **Derrick Talerico:** dtalerico@wztslaw.com; maraki@wztslaw.com; sfritz@wztslaw.com
- Attorneys for Individual Debtors Alan Gomperts, Daniel Halevy, Susan Haley: **Zev Shechtman, Carol Chow, Turner Falk:** zev.shechtman@salu.com; zshechtman@ecf.inforuptcy.com; carol.chow@saul.com; easter.santamaria@saul.com; turner.falk@saul.com
- Attorneys for Creditor Korth Direct Mortgage, Inc.: **Tanya Behnam:** tbehnam@polsinelli.com, tanyabehnam@gmail.com; ccripe@polsinelli.com; ladocketing@polsinelli.com
- Attorneys for Creditor Archway Real Estate Income Fund I SPE I, LLC: **Michael G. Fletcher, Bruce D. Poltrock, Gerrick Warrington:** mfletcher@frandzel.com; gwarrington@frandzel.com; bpoltrock@frandzel.com; sking@frandzel.com; achase@frandzel.com
- Courtesy NEF/Interested Party: **Todd S Garan:** ch11ecf@aldridgepite.com; TSG@ecf.inforuptcy.com; tgaran@aldridgepite.com
- Attorneys for Creditor Harvest Small Business Finance, LLC: **Jacqueline L James:** jjames@hrhlaw.com
- Courtesy NEF/Interested Party Avi Muhtar: **Avi Edward Muhtar:** amuhtar@eaccidents.com
- Courtesy NEF/Interested Party: **Jennifer C Wong:** bknotice@mccartyholthus.com; jwong@ecf.courtdrive.com
- US Trustee's Office: ustpregion16.la.ecf@usdoj.gov; **Kelly L. Morrison:** Kelly.l.morrison@usdoj.gov
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